

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 13, 2009 (hereinafter Office Action) have been considered. Claims 1-43 remain pending in the application. Claims 1, 2, 4, 6, 8, 10-12, 16, 18, 19, 21, 22, 24, 25, 27-31, 36, 37, and 41-43 are amended herein. No new matter is added. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

The Applicant thanks the Examiner for participating in a phone interview on August 12, 2009 in which the Office Action was discussed.

Claims 1-36 and 43 are rejected based on 35 U.S.C. § 101 because the claimed invention is, according to the Office Action, directed to non-statutory subject matter. Independent claims 1, 18, 28, and 43 are amended herein in a manner to overcome the § 101. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the § 101 rejection.

Claims 1-43 are rejected based on 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for altering the odds of achieving a bonus activity during game play, does not reasonably provide enablement for altering the odds of achieving bonus game play without effecting the odds of base game payout, according to the Office Action. Independent claims 1, 18, 28, 37, 41, 42, and 43 are amended to resolve the § 112, first paragraph rejection. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the § 112 second paragraph rejection.

Claims 1-16, 18-35 and 37-43 are rejected based on 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,848,932 to Adams. Claims 17 and 36 are rejected based on 35 U.S.C. § 103(a) as being unpatentable over Adams.

Independent claims 1, 18, 28, 37, 41, 42, and 43 have been amended to resolve the § 102(b) rejection. Therefore, the Applicant respectfully requests reconsideration and withdrawal of the § 102(b) rejection.

To the extent that the Applicant has not responded to any characterization in the Office Action of the asserted art or of the Applicant's claimed subject matter, or to any

application in the Office Action of the asserted art to any claimed subject matter, the Applicant wishes to make clear for the record that any such lack of response should not be interpreted as an acquiescence to such characterizations or applications. A detailed discussion of each of the Office Action's characterizations, or any other assertions or statements beyond that provided above is unnecessary in view of the present response. The Applicant reserves the right to address in detail any such assertions or statements in the future.

The Applicant respectfully submits that the application is in condition for allowance, timely notification of which is kindly requested. Authorization is given to charge Deposit Account No. 50-3581 (KING.004CIP1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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